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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

INTERDIGITAL, INC., <i>et al.</i> ,	)	Case No. 2:25-cv-00895-WLH-BFM
	)	
Plaintiffs,	)	<b>PLAINTIFFS' EVIDENTIARY</b>
	)	<b>OBJECTION TO DEFENDANTS'</b>
v.	)	<b>REPLY IN SUPPORT OF</b>
	)	<b>MOTION FOR PRELIMINARY</b>
THE WALT DISNEY COMPANY, <i>et</i>	)	<b>INJUNCTION</b>
<i>al.</i> ,	)	

Defendants.

Judge: Hon. Wesley L. Hsu  
Hearing: May 30, 2025, 1:30 p.m.  
Courtroom: 9B

1 Plaintiffs object to new evidence that was improperly submitted for the first time  
2 with Defendants' Reply brief in support of the motion for preliminary injunction (ECF  
3 No. 67).

4 Objector	Evidence	Objection	Ruling
5 Plaintiffs	6 Supplemental 7 Declaration of Ketan 8 Mayer-Patel (ECF No. 9 67-1)	Untimely new evidence and arguments raised for the first time in support of Reply	S/O

10 The Court should exclude the Supplemental Mayer-Patel Declaration because it  
11 contains new evidence underlying new arguments raised for the first time in  
12 Defendants' Reply. *See, e.g., Newpoint Fin. Corp. v. Bermuda Monetary Auth.*, 680 F.  
13 Supp. 3d 1151, 1163 n.3 (C.D. Cal. 2023) ("arguments raised for the first time in a  
14 reply brief are waived") (citing *Autotel v. Nev. Bell Tel. Co.*, 697 F.3d 846, 852 (9th Cir.  
15 2012)). The new evidence contained in the Supplemental Declaration relates to  
16 Disney's allegations about the purported technical scope of the patent claims asserted  
17 by InterDigital in the Brazilian proceeding. *See* ECF No. 67-1 at ¶¶ 7-13 (analyzing  
18 scope of "asserted Claim 8 of Brazilian Patent PI0305519" and comparing claim  
19 elements to H.264/H.265 standards). This testimony and supporting arguments  
20 concerning the scope of the patent claims at issue in Brazil were not included in either  
21 Defendants' Motion for Preliminary Injunction (ECF No. 50) or in Ketan Mayer-Patel's  
22 original declaration attached to Defendants' Motion (ECF No. 50-18). Those arguments  
23 could have been made in the Motion and original declaration; saving them for reply is  
24 improper and warrants sustaining Plaintiffs' objection.

25 Plaintiffs' objection should also be sustained because Plaintiffs will be unduly  
26 prejudiced if this information is considered for the first time in reply when Plaintiffs  
27 have not had any opportunity to respond to or rebut the evidence and related arguments.

1 Therefore, the Court should sustain the objection and exclude the Supplemental  
2 Declaration of Ketan Mayer-Patel (ECF No. 67-1).<sup>1</sup>

3  
4 Dated: May 23, 2025

Respectfully submitted,

5  
6 /s/ Richard A. Kamprath

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25  
26 <sup>1</sup> If the Court prefers to consider the evidence rather than exclude it as untimely, then in  
27 the alternative, Plaintiffs stand ready to file a motion for leave to file a sur-reply with a  
28 supporting rebuttal declaration to provide a substantive response to Defendants'  
improper new evidence. Should the Court prefer that option, an example of those  
documents for which Plaintiffs would seek leave to file is attached as Exhibit A.

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